BOMBAY COURIER.

Published every Saturday and Tuesday Morning.

VOL. XLI. NUMBER 2057.] TUESDAY, JULY 19, 1831. [PRICE RS. 13 PER QUARTER

ADVERTISEMENT.

NOTICE is hereby given, that Sealed Tenders, will be received at the Office of the Superintendent of the Indian Navy, until Wednesday the 27th Instant, for the supply of PROVISIONS, SHIP CHANDLERY and GENERAL NAVAL STORES, for the use of the Indian Naval Department of this Presidency, according to a List to be obtained on application at the Office of Superintendent of the Indian Navy.

The supplies to be made under contract for Two years.

All articles to be supplied at such times, and in such proportions, as shall be directed by the Storekeeper of the Indian Navy, whose Warrant or Indent shall accompany demands, made on the Contractors for the supply of Stores, or Provisions of every description.

The Stores or Provisions to be subject to the rejection, or approval of the Naval Storekeeper.

But should the Contractors be dissatisfied with the decision of the Naval Storekeeper, the articles in dispute, shall be referred to a Committee of Officers of the Indian Navy, to be appointed by the Superintendent, and the decision thereon, shall be made within Forty Eight hours from the time of their receipt from the Contractor, and be considered final.

Should articles be rejected by the Storekeeper, or Committee under the above named condition, others are to be supplied immediately in their place, or in default thereof, the Naval Storekeeper shall be at liberty to purchase the supplies in the market, and any additional expence arising from such default shall be borne by the Contracter. Any expense attending the return of articles rejected by a Committee shall be borne by the Contractor, also, whether the same shall be received on board a Vessel, and there rejected, or refused at the Warehouse of the Naval Storekeeper.

In default of the Contractors making supplies according to the demand of the Naval Storekeeper, the articles shall be purchased by the Naval Storekeeper and the Contractors make good all loss arising therefrom.

The Contractors are to make out Bills in Duplicate on the 5th day of every month for the supplies made the month preceding and obtain the attestations of the Naval Storekeeper on the face of the Bills as to the quantities being correct, when they will be passed by the Superintendent and Auditor of Accounts and made payable at the General Pay Office. The Bills to be accompanied by the Warrants or Indents of the Naval Storekeeper as vouchers on presentation for signature.

Articles not specified in the Lists to be supplied at the lowest market rates, which are to be certified and decided on by the Naval Storekeeper.

The Party whose Tender may be accepted will be required to make a deposit in the Hon'ble Company's Treasury to the extent of Five thousand Rupees, and which shall be forfeited to the Hon'ble Company in the event of a non-fulfilment of his Agreement.

No cause will be assigned for the rejection of any Tender.

By Order of the Superintendent I: N:
R. COGAN,
BOMBAY, *Assist. Superint. I: N:*
SUPERINTENDENT'S OFFICE,
13th July, 1831. [112]

FOR SALE.—At the Courier Office,

Bombay Calendars for 1831,	5 0 0
Indian Calendars for 1831,.....	2 2 0
Blank Powers of Attorney,.....	0 2 0
Ditto Interest Bonds,.....	0 2 0
Do. Policies,.....	1 0 0
Do. Bills of Lading, per set,.....	0 2 0
Do. Respondentia Bonds,.....	0 2 0
Do. Bills of Exchange, per set,....	0 2 0
Plans of the Island,.....	1 0 0
Traveller's Itinerary,.....	5 0 0
Insolvent Debtors' Act,.....	3 0 0

LETTER-PRESS PRINTING, neatly executed on moderate terms. [114]

For Freight or Passage to London.

THE Ship EARL OF ELDON, of 600 Tons, EDWARD THEAKER, Commander, will positively sail on the 25th July. This Ship has a poop with excellent accommodations for passengers, and carries a Surgeon. Apply to Captain THEAKER, or to MESSRS. RITCHIE, FINLAY AND CO.

[116] *Bombay*, 19*th July*, 1831.

WILL be published early in AUGUST, No. XIII of the ORIENTAL SPORTING MAGAZINE, *Containing*.—1st. An Account of Hector a favourite Greyhound.—2nd. Q. E. D's. Account of a Panther.—3d. Questions from a Subscriber.—4th. Propositions by a Pongo for a Sporting club.—5th. Ride Sportsmen Ride *a Song*.—6th. Nosing Tom's last but one.—7th. John Dockery redivivus.—8th. Song for the Club of Harmonics.—9th. Neemuch Fly Fishing.—10th. Bushman's account of a Hog Hunt in Guzerat.—11th. *Song* The Midnight Boar.—12th. The Candeish Clubs.—13. A letter from Old Gooseberry.—14th. Harlequin and Honesty.—15th. Meet me when day light may dawn.—16th. Extract from Sporting Recollections of life in the Deccan.—17th. High Flyer on Falconry.—18th. Pongoes at the Presidency.—19th. The Candeish Clubs by N.—20th. Travelling in Guzerat by W. C. H.—21st. A Looker On.—22nd. Bushman's account of Kangaroo Hunting.

NOTE.—As the Sporting Magazine will go to Press about the 25th of July, communications for it should be dispatched so as to arrive in Bombay on or before that day. [115]

GENERAL ORDERS.

By the Right Hon'ble the Governor in Council.

Bombay Castle, 14*th July*, 1831.

No. 281. The Right Hon'ble the Governor in Council has been pleased by a Resolution in the Marine Department to place Assistant Surgeon Rupert Kirk, at the disposal of the Superintendent of the Indian Navy for duty in that branch of the Service.

No. 282. The Right Hon'ble the Governor in Council is pleased to direct that the following extract of a letter addressed by the Hon'ble the Court of Directors to the Supreme Government in the Financial Department, dated the 2d February last, be published in General Orders.

In reference to our Dispatch in this Department dated the 2d of July 1823, we have to acquaint you that the rate of Exchange for Bills drawn in repayment of advances to His Majesty's Service in the East Indies in the year commencing on the 1st May 1831, and terminating on the 30th April 1832, has been fixed in concurrence with the Lords Commissioners of His Majesty's Treasury at two Shillings the Sicca Rupee.

Bombay Castle, 14*th July*, 1831.

No. 283. The Right Hon'ble the Governor in Council has been pleased by a Resolution passed in the Financial Department, to appoint Captain F. McGillivray to the situation of Mint Engineer and Lieutenant Turner, to be Assistant to the Mint Engineer.

His Lordship in Council conceiving that the services of a Second Assistant to the Mint Engineer may be dispensed with, and that it is unnecessary therefore to keep an Officer from his Regiment on that account, has further been pleased to direct that Lieut. G. Fulljames of the 25th Regiment Native Infantry shall vacate his situation of Assistant to the Mint Engineer on the 1st October next, and be placed at the disposal of the Commander of the Forces.

The Right Hon'ble the Governor in Council is pleased at the same time to testify his entire approbation of the Services of Lieutenant Fulljames while holding the situation of Assistant to the Mint Engineer.

No. 284. In consequence of a requisition from the Commanding Officer of the Forces for the Services of Captain J. S. Down, of the 1st or Grenadier Regiment of Native Infantry owing to the want of officers of that rank with the Corps, Captain Down will vacate his Command of the detachments stationed in the sequestered districts South of Baroda, and place himself at the disposal of the Commander of the Forces for Regimental duty.

His Lordship in Council avails himself with pleasure of this opportunity of expressing his high sense and entire approbation of Captain Down's Serviees and conduct, while in Command of the detachments stationed in the sequestered districts South of Baroda.

Bombay Castle, 14*th July*, 1831.

No. 285. Lieutenant Colonel Miles having resigned the Command of the Troops at Baroda the Right Hon'ble the Governor in Council has been pleased by a Resolution in the Political Department to appoint Lieutenant Colonel T. Burford of the 8th Regiment Native Infantry to that Command, and to the Conduct of such duties in the Political Department at Baroda, as may be entrusted to him by the Political Commissioner for Guzerat.

Lieutenant Colonel T. Morgan of the 11th Regiment Native Infantry is appointed to succeed Lieut. Colonel Burford in the Command of the Troops at Hursole.

Bombay Castle, 15*th July*, 1831.

No. 286. Lieutenant G. Candy of the 3d Regiment Native Infantry is allowed a furlough to Europe for the benefit of his health.

No. 287. Major J. G. Griffith Commissary of Stores at the Presidency is allowed leave of absence from the 15th instant to the 21st proximo to visit the Deccan on private affairs.

By Order of the Right Hon'ble the Governor in Council,
C. NORRIS,
Chief Secretary.

ARRIVALS AND DEPARTURES.

ARRIVALS.
None.

DEPARTURES.
Brigade Major Cotgrave, Artillery to Poonah.
Cadet Chas. Yorke, Artillery to Ahmednugger.
Cadet G. P. Baynes, Artillery Do. Do.

SHIPPING REPORTS.

ARRIVALS.
None.

DEPARTURES.
None.

LIST OF SHIPPING IN THE HARBOUR.

FREE TRADERS.—Earl of Eldon, Othello. Fortune-
COUNTRY SHIPS.—Byramgore, Cadery, Maack, born, Sir Charles Malcolm, Dadaloy, Eliza, Asia Felix, Discovery, Duke Roxburgh.
ARAB.—Fazarabany, Shahool Mahmud.
HON. COMPANY'S *Receiving Ship*—Hastings.
Do. Do. *Steamer*—Hugh Lindsay.
Do. Do. *Ship*—Marquis of Huntly, Duke of Sussex, Hythe, General Kyd, Herefordshire.
Do. Do. *Schooner*—Royal Tiger.
Do. Do. *Surveying Vessel*—Benares.
Do. Do. *Sloop of War*—Clive, Amherst.
H. M. SHIP—Satellite.
PORTUGUESE—Brig Aurelia.
FRENCH—Hebe,
BRAZILIAN—Amezade.

THE COURIER.

TUESDAY, JULY 19, 1831.

The hot, dry, and unhealthy weather with which we have been oppressed for so unusual a period, has at last we are happy to say, been succeeded by copious showers of rain which have rendered the air somewhat cooler than before, and have done much towards removing the very serious apprehensions entertained regarding the rice corp, which we understand, notwithstanding its present wretched appearance, may yet prove a good one.

Owing to the dearth of more interesting matter, we have copied in to-day's paper from the Bengal Hurkaru, the notice of a statistical work just published in Calcutta upon the trade of that port, which has increased with a rapidity unequalled in the annals of commercial prosperity, and curiously enough, has undergone during the same period one of the most complete changes in the nature of almost all its commodities which it is possible to conceive. From having at one time been the greatest emporium in the East for cotton fabrics, it has almost ceased to become a manufactoring place, and now scarcely exports any thing of that description worth mentioning, compared in value to the raw productions of the fertile regions by which it is surrounded. Upon the whole we do not doubt, notwithstanding the general dullness of a mere statistical work, that many of the particulars contained in the "Comparative view of the external commerce of Bengal," besides affording information of a Commercial nature, will prove interesting also to those who take an interest in the increasing wealth and prosperity of many parts of the country, and watch the gradual development of its enormous resources.

We have also extracted from the same paper, notwithstanding the staleness of the subject, a letter upon the change of ministry at home which, we see is attributed to the pen of Mr. Rush, who was for a long time, American Ambassador at the Court of St. James, and who from his situation, must have had unnusual opportunities of becoming acquainted with the persons he writes about.

CALCUTTA.

We were favoured in the course of last week with a copy of Mr. Bell's COMPARATIVE VIEW *of the* EXTERNAL COMMERCE of BENGAL *during the years* 1829-30 *and* 1830-31—and we have allowed ourselves a few days to look into the work before we acknowledged the obligation.

From a cursory review of its contents we have arrived at two, in our minds, incontrovertible conclusions. The first—that the COMPARATIVE VIEW is not at all a work of the IMAGINATION; the author's whole mind seems to have been directed with focal intensity to the elicitation of dry matters of fact out of cocketts, and docketts, and manifests, and Custom House entries. The second—that it is still a very interesting book and although avowedly complied for the sole use of the mercantile community of Calcutta, that it will be found very acceptable to mercantile and statistical enquirers of any country.

The professed object of the undertaking is merely to furnish a comparison between the foreign trade of the country, its imports and exports by sea, for two consecutive years. But in the progress to this desideratum there is exhibited in detail and in abstract, the whole of our external commerce, both as regards the countries with which it has been going on—the products in which it has consisted—and the flags under which it has been conveyed to and from us. We are shewn, in short, what Bengal is now in the habit of receiving from other countries—what it gives to other countries—and how far it serves as an entrepôt for maritime trade between other countries.

These we say are the important though dry matters of fact which are the essential bases of all sound calculation, whether for commercial or satistical results. They are here collected from official documents and are presented with much perspicuity in every conceivable bearing. But these bearings are continually changing, and our charts and our buoys must be changed with them. We do therefore sincerely hope, that Mr. Bell will receive such support as may enable him, without pecuniary loss, to persevere in the periodical publication of his usefull land marks.

Unhappily for us, we are little more than lookers on, at this busy scene. Ships may come and go, trade may fade or flourish, and we are little affected except as it affords food for the newspaper and through it, for ourselves. But although in so far unconcerned we are not uninterested spectators, and we are now tempted to discussions thereon, which we have neither time or space to gratify.

For instance—It is hardly necessary to tax the memory of the "oldest inhabitants" to remember the time when the great export of Bengal was its cotton fabrics; and comparatively modern residents have witnessed the period when there were hardly ships enough to carry away that material unmanufactured. For those however of later growth among us, we will just state, that between the years 1816 and 1819, the annual average export of raw Cotton from Calcutta to Great Britain was upwards of three hundred and fifty thousand maunds, and about three hundred thousand pieces of cotton piece goods. What happened in these respects last year? (commercial year). We imported from Great Britain and America, *three millions, two hundred and forty nine thousand, five hundred* and *fifty five* pounds weight of cotton thread. *One million four hundred* and *eighteen thousand five hundred and fourteen* pieces of cotton Fabrics; *sixty three thousand one hundred* and *fifty seven* yards of the same, in descriptions computed by the yard, and *forty three thousand four hundred* and *eighty dozens* of kinds, which are reckoned by this tale among traders. Against this we have exported to the same countries *nine thousand nine hundred* and *eighty five* pieces of cotton goods, and *twenty one thousand three hundred* and *sixty three* maunds of the material itself;—not cloth enough to make the mere wrappers of our imports, nor Cotton enough to manufacture one fourth of the thread only which we have received from them!

This is truly a prodigious change. It amounts, taking both sides of the account, as we could shew by statements were not the details too lengthy—to the displacement from local employment in this trade alone of more than a million sterling in capital—to the exclusion from cotton husbandry of as least at many begahs of land and a proportionate quantity of agricultural labour—and to the suppression of a craft which would give food to seven or eight hundred thousand weavers and spinners. It will naturally be asked; how has this great change been wrought about? To this we briefly reply, by the mechanical omnipotence of steam as regards the manufacture, and because they "manage these things better" in America as regards the raw material. Again, is it totally and irrecoverably gone from us? We think not; we believe that there are in train of successful progress proofs that there exist no irremediable obstacles in the soil, climate, or physical constitution of the natives to the working of any description of machinery, or to the growth of as good cotton as is to be found in any part of the globe.

It is impossible to look at this state of the cotton trade and manufacture, without perceiving its direct origin in the oft told nauseating list of Monopolies actual and virtual—restrictions—impediments to the exercise of skill and the investment of capital—with which the East India Company have been privileged to afflict this country. There is no other assignable reason why India has not kept some pace with other countries in the improvement of its agriculture or its manufactures. No better reason why its cotton, its silk, its sugar, its every thing but indigo, is inferior to that of every other competitor. This last product grew up under the hands of Europeans slowly and with unpromising aspect, until it attained a fixedness which defied the grasp of the monopolizing spirit.—(We know that it was contemplated)—and it stands a proof that if the natives are apathetic in seeking after improvements, they are not slow in seizing them when brought within their reach; they have engaged in this manufacture with as much success as their European instructors. We say again that the inferiority of Indian products is wholly attributable to the direct or indirect influence of the system of exclusion which the Government has been

privileged to exercise, and we refer to the state of the Indigo manufacture, the only one which has ever grown up to any perfection in the country, since it became tributary to Britain, as a present proof: but we joyfully anticipate, without a shadow of doubt, that a few years will exhibit very many more. For we feel that there is a relaxation in the grasp and it is the relaxation of a dying power which can hold no longer; the incubus is going off; and it is because people are awakening from the sleep which allowed its influence. "At this present writing" the Merchants of Calcutta are packing up the current coin of the country and sending it as returns to Great Britain, which at the same time is feeding its manufactures, and supplying its own consumers with COTTON from AMERICA, SILK from FRANCE and ITALY, and and SUGAR from her own or *foreign* SLAVE COLONIES.

But we must stop. We began with "*for instance*" to intimate that we meant to say only enough to shew how much we were inclined to say, and for this enough has been said.

Mr. Bell cautions his reader against confounding the official value stated in his tables, with commercial or market value, observing very properly that quantity constitutes the great regulator in commercial speculations. He apologises too for the omission of certain things in the Import list; among others is Salt. Perhaps he may not have to publish many annuals before it obtains emancipation, and figures in his tables of private trade imports. We shall only add that, as may be collected above, we cordially participate in his anticipations of much good to the country from the course of experiments now systematically pursuing by the AGRICULTURAL SOCIETY.—*Ben. Hur. June* 30.

SUPREME COURT.

CALCUTTA,—MONDAY, JUNE 27, 1831.

THE BANK OF BENGAL *v.* THE UMITED COMPANY.

On a former day Mr. Prinsep obtained a rule *nisi* calling on the defendants to show cause why the judgemnt that had been entered upon the nonsuit with costs should not be amended, and why the order discharging the rule for setting aside the nonsuit should not be amended by the discharge of the rule without costs.

The Advocate General showed cause this day. He felt a considerable reluctance to say any thing upon the present occasion—that kind of reluctance a man naturally feels when speaking in a case in which his own personal interest may be said to be in some measure concerned. He had at first stated to his learned friend that he did not intend to come forward to oppose this rule, but other considerations had induced him to change his resolution. He could not help expressing some little surprise at the conduct of the Bank of Bengal; he could not help feeling that if he had been in the situation of his friend, he should have given different advice to his clients as to a motion of this nature. After the manner in which the case had been conducted on behalf of the United Company, he was certainly rather astonished to find that they were now to be harassed with these petty and vexatious questions. Whatever might have been the intention of his friends in bringing forward this motion, it undoubtedly had the tendency of placing the Court in a dilemma of a very disagreeable kind. It would either establish a rule which he would venture to say would be found so injurious that in the end it would be impossible to act upon it, or else it might have the effect of involving their Lordships in something like an apparent inconsistency when reference was made to a former decision of the Court. It was considerations of this kiud that had induced him to alter his resolution. He trusted he should make out that the grounds upon which this rule was moved were not tenable for a moment. His friend would probably concede to him that there was no reasou why the United Company should lose their costs in this case, unless it were upon some general principle that the Court would not give costs when there was a difference of opinion on the Bench. The motion could be supported simply on the ground of this imaginary rule; he called it an imaginary rule, because he had never seen it reduced to writing; he had seen it in no book; he had never heard it promulgated from the Bench. He would first look at the legality of such a rule, and then, assuming that the Court had power to make it, he would endeavour to point out the consequences that would result from its establishment. Supposing the power was given by the Charter, it might be a question how far that part of the Charter was authorized by any Act of Parliament; and if not, how far the executive Government of the country could grant a Charter with such powers. He was quite aware that all the laws of the mother country were not necessarily brought into a colony; he knew that it was optional with the Crown to introduce so much as it thought fit and no more, but it might be a question whether it was optional with the Crown to bring in that which was contrary to the law. When Acts had been passed which established that costs should be paid by the party who lost a suit, there might be a doubt how far it was competent to the Crown to grant a Charter containing any thing in contravention of those Acts. He would, however, confine himself to the Charter. If their Lordships had any power and discretion beyond what the Judges had in England in cases of common law, it must be under the Charter of the Crown. The fourteenth section of the Charter declared:—"And we do further give the said Supreme Court of Judicature, at Fort William in Bengal, full power and authority, upon examining and considering the several allegations of the said parties to such suit, or of the complainant alone, in case the defendant should make default after appearance, or say nothing, or confess the plaint, and the depositions of the witnesses produced, sworn, and examined, in manner above mentioned, to give judgment and sentence, according to justice and right; and also to award and order such costs to be paid, by either or any of the parties, to the other or others, as they the said Court shall think just." He was positive that it was not in the power of any human being to say that that section did not impose on the Court the necessity of examining into the merits of each individual case. He was not saying that it would be wise to deviate from the ordinary course of things; he believed it was necessary in the general order of things that costs should follow the verdict; but if the Court had a discretion on the subject, it was a discretion to be exercised on each particular occasion. He submitted that the Court had no power or right to make a rule such as his friend relied on; it had no power to make a rule that should fly in the face of the Charter. The King had said, "Exercise your discretion on the cases that are brought before you;" but his friend advised them to say, "We will exercise no discretion on those cases in which one member of the Court shall differ from the others;"—the King had said "Act according to your own judgment," his learned friend said, "Put fetters on your limbs and don't act at all." He would ask, could there be any thing more illegal than such a rule, and if that were the case, there was an end of the present question, for his friend had not brought before the Court any specific ground for this application. The motion was entirely founded on the existence of a rule, which, as far as he knew, had no existence except in his learned friend's imagination. Considering it not to be the rule of the Court, he had taken the liberty of saying the other day that it was neither supported by authority nor founded in good sense. Considering it still as a rule that was not established, he would make a few observations in regard to it. He had said it was not supported by authority, and in order to make out that, he needed no further proof than the circumstance that he was now arguing its existence for the first time, though the Supreme Court was established in 1774. This would be a strong argument in favor of such a rule not being founded in good sense, for calling to mind the number of Judges who had presided in that Court since 1774, and recollecting that there had been among them many men of great experience in the laws of England, and many men who were well acquainted with the habits and customs of the natives of this country, if it had never occurred to any one of those men that a rule of the kind was either consistent with the laws of England or called for by the habits of the natives of India, that surely was something more than a mere absence of authority; it would go a great way towards showing that the rule was not founded on the principles of good sense and justice. He was not one of those who thought that innovation must necessarily be improvement. He was inclined to think that when any thing had been long established it became so blended with the habits of the people that the strongest proof of its being injurious was necessary in order to justify its being done away with. Was that the case here? If not, upon what wild fantastic notion did his learned friend come forward and ask the Court to establish this as a rule that should prevail in all time to come? One of their Lordships had remarked that the rule was founded in sense, because if one Judge differed from the others it at least showed that the party who lost his cause was not to blame for bringing it forward. He would treat this observation with all the respect that was due to one of their Lordships, but if it had been made by his learned friend he should have said that he took a different view of the subject of costs from that entertained by him. He should have said that after this Court had heard a civil cause and a verdict had been given, it could not change its character and become a Criminal Court to punish a man because he was worthy of blame. If a person was to be exempted from costs, because he was not deserving of blame, it would follow that a man ought to be punished with the payment of costs if he did deserve blame. He would venture to say that was not the ground on which costs were given to a party; it appeared to him that they were given to the party who succeeded, upon the principle that he should have nothing to pay for justice.

He would next ask the Court to look to the consequences that would result from such a rule being established. Persons came into a court of justice without fear if they had a good cause, because they were conscious they should go forth uninjured; but supposing this new rule were established, no man would come into the Court for the recovery of any moderate sum, because if one of their Lordships should differ from the other Judges he would be amerced in costs that might amount to more than the sum in dispute. It would have the effect of shutting the doors of the Court against those whom it was especially the duty of the Judges to protect,—the poorer classes of society. It was true that the Court would still be open to men of opulence who had very great interests at stake, but where was the man of moderate fortune who would be bold enough to come there if he were to run the risk of being ruined after he had established his right? Such a rule would banish from the Supreme Court the litlte business that still lingered there. This was the view he felt himself obliged to take of the subject, and he trusted that in stating it he had done so with all due respect to their Lordships. He hoped they would not suffer the single circumstance that had taken place in the course of last year to weigh upon their minds. That was a case in which he had been engaged at the trial, but he had nothing to do with the subsequent discussions as to costs. He had heard, however, of the effects of what then took place had produced in society, and he trusted the Court would not carry into a rule that which might perhaps have been prejudicial even on so small a scale. His learned friends would probably say, that even in an English Court of Justice the individual who succeeds has to pay the costs between attorney and client and therefore does not escape uninjured. He admitted the fact, and it was with all wise men a topic of regret that it was so; but be it remarked, that that was an abuse that had sprung up in the progress of ages, and yet his learned friend proposed that that which was an abuse in England should become the practice in India, that the exception there should be the rule here. He would refer to the analogy of the English law. If a single Judge was appointed to dispense justice there, he might often doubt as to the merits of a case for many months, but when he did ultimately decide in favor of one party to that party he awarded costs. In the instance of a late great Lord Chancellor there was seldom a case that came before him concerning which he did not entertain some degree of doubt and hesitation, but when he had once made up his mind, did Lord Eldon ever assign that doubt as a reason why in the decision of a cause he should not give costs? A jury might be shut up all day or all night because they hesitated as to their verdict, but that did not interfere with the costs. His friends would tell him these costs were given by Act of Parliament. He admitted it; that was the law of England, and it showed the meaning and intention of those Legislators whom he now called on their Lordships to imitate. He had said this was the first attempt of the kind ever made in this country, and it mattered little that something of the kind had taken place last year. As the Charter was established in 1774, it mattered little whether a new practice contrary to it was introduced in 1831. He would venture to say such a practice never was established in the Supreme Court of Calcutta, in any of the other Indian presidencies, in England, or in any provinces dependant on the British empire. He might say that such a rule as was now proposed, had never found any existence in the history of jurisprudece in any part of the civilized world. It was in the perfect sincerity of his mind that he uttered every word he had now said. The present case was of very little consequence. He should hold himself in contempt if he regarded his own individual interest in the question, and it could not be supposed to be of much consequence to the United Company or the Bank of Bengal, whether they paid a few hundred rupees more or less. He felt nothing for himself or for his client; but he felt deeply for the utility and the honor of the Court, and the more so because it affected the professional character of all who practised within its walls.

Mr. Cochrane followed on the same side.—*India Gazette.*

AN ADDRESS TO THE COMMITTEE OF INQUIRY.

INTO THE BEGARI SYSTEM,

[EXTRACT FROM CAOCUTTA GOVL. GAZF 24TH JAN. 1831.]

NOTIFICATION.

The Right Honorable the Governor General, having in the course of his present Tour, seen reason te believe that great oppresion is practised on the Landed Proprietors resident in the vicinity of the line of march of Troops, as well as on other classes of the Community, by the forcible requisition of Supplies, (which are, in many instances unpaid for,) and by the impressment of Hackeries Boats and Personal Service; and deeming it highly desirable that practices so objectionable, and affording to the subordinate Native Functionaries such obvious facilies for abuse and extortion, should be put a stop to, His Lordship has been pleased to direct the formation of a committee, consisting of the Gentlemen named in the margin, * for the purpose of inquiring into the best mode of remedying the existing evils, and suggesting the introduction of such a system as may prevent the necessity of having recourse to compulsory labour, and may secure the spontaneous tender, for sale, of all the articles of consumption ordinarily required by Bodies of Troops or Individuals when marching and a fair compensation to the parties disposing of such articles. With the Committee are to be associated the several Civil Officers, who may be in attendance on His Lordship's Camp during his progress through their respective Districts.

The Committee have been instructed to communicate with the Civil Officers in charge of Districts and other Heads of Departments, and all Officers are hereby required to pay the readies attention to any requisition, which they may receive from the Committee for information or otherwise.

His Lordship deeming it desirable that all possible information should be obtained, in connection with the important objects above specified, would be happy to receive, through the Committee, the sentiments of any individual who may have suggestions to offer calulated to facilitate the introduction of an improved system,—and His Lordship is further pleased to direct, that all communications on this subject may be addressed to the Secretary to the Committee, (Governor General's Camp,) for regulating the existing system of affording supplies and means of Carriage to Troops and other persons while marching through the Country.

By Order of the Right Honorable the Governor General, (Signed) W. H. MACNAHGTEN,
Sec. to the Govr. Genl. Terrl. Dept.
The 31st December, 1829.

* W. H. Macnaghten, Esq. Secy. to the Govr. Genl
Lieutenant Colonel Morrison, C. B.
Captain R. Benson, Mily. Secy.
Captain W. Garden Asst. Qr. Mr. Genl.
Captain G. Huish, Depy. Asst. Commry. Genl.
Captain Denby, 20th N. I. Secy.

MR. PRESIDENT AND GENTLEMENS.—If it could be shewn that supplies and means of carriage and consequently our power of moving troops absolutely depended upon impressment I, and, I think, all who most abhor it would allow the probable evil of abolishing it to be very much greater than the good. But it is obvious that impressment does not produce or create food or cattle or carts or men but is merely a method of making available, for certain purposes, persons and things already existing. To affirm therefore that it is indispensable, i. e. the only method, is to say that people whom we see hourly serving us for hire, offering us their goods for sale, in short differing in no way from their fellow creatures, do suddenly become without any visible cause, so foolish or so obstinate as to be inaccessible to the desire of gain or indeed any one human motive except fear. I shall suppose this opinion as a general rule to be stark nonsense.

Impressment then, if we allow that the desire of gain might generally be substituted for it, must be defended either on the score of certain exceptions or because we think it expedient; now, distinguishing what is possible from what is merely expedient, these exceptions can only be admitted in a few very extreme cases; for example, in a famine you might force, but could not bribe, a man to part with the food on which his life depended.

How rarely these can occur. How seldom it can be for our interest to cut down the tree for the sake of its fruit, I shall not stop to examine, but proceed to the question of expediency.

To constitute Impressment the object of it must not have the option of giving or withholding his goods or labour at the price offered. But in regulating and adjusting that price the professions of this Government (and certainly it's intention also) has ever been not to tax the ordinary and fair wages of labour, profit of stock and interest of capital, but to limit the extraordinary and excessive wages profit and interest which, it is supposed, the owners of these might otherwise in certain situations exact from our necessities---now, if we look at this plan in the most favourable light, it's tendency is by laying certain employment in certain places under comparative disadvantages to give the labour stock and capital invested in them a bias to other objects and other situations; to cause them gradually to disappear and a fortiori to prevent their return. But our wants, the necessity for our having food, cattle, carriage, is not the less because the provisioner, the porter, the carrier are no longer to be found; the work of these people must be done and other classes who can less easily escape from us must be called upon to do it; of course at a loss to us of time and efficiency and, if we adhere to the plan, of money also; for the fair and ordinary wages of labour, profit of stock, and interest of capital, must now include a compensation for the liability of all these to be turned on a sudden from their usual channel. And what do we save? what would the provisioner, the carrier, and the porter have been able to exact from us had we never thought of defending ourselves against them;

Why *the* utmost, the possible, but improbable, summit, would have been the full value which, not they, but we ourselves, set upon the delay the inconvenience and expence saved to us by their agency. We should then, as now, have had a resource in the labour, stock, and capital of other classes. Amongst them a partial combination against us is hardly to be conceived; a general one perfectly impossible. They would then have furnished us with all we obtain now, at the same price too, at least what we profess to give; that is the fair and ordinary wages of labour, profit of stock, and interest on capital. He who spits against the wind said Franklin spits in his own face. We violate the rights of property, we cramp the division of labour with all its ten thousand advantages; we suffer inconvenience, we do wrong and succeed at last in making a distant, unlikely, and at most, occasional evils, certain and permanent. Our first reason for leaping into the fire is to save ourselves from the chance of being singed.

Our system of impressment then is, in itself, worse than useless. Take now into consideration the long train of abominations inseparable from enforcing it—the power we must give to ignorant and corrupt natives—the extreme difficulty of justly valuing another man's labour or property, the excuse this affords when the will to be just is wanting, the impossibility of presenting bribes *ad redimandam vexationem* and the consequent probability that the burthen will always be cast on him who has most to lose by carrying it. Consider in short, that the intolerable prerogative of purveyance, *totus in toto et totas, in qualibet parte* can be exercised by every Regiment, nay individual, in the service; and then say, whether this system, more resembling an ordinance of the drunken despot of Ashantee than the law of a civilized and

Digitized with financial assistance from the Government of Maharashtra on 08 April, 2017

Christian Government, ought or ought not to be abolished.

But the substitute? put an end to impressment; substitute for the interference of the civil authorities a mere notice. Vary that notice according to the supposed difficulty of obtaining what we want; oblige commanding officers to regulate their marches by it. Above all let nothing be taken without paying, on the spot, the value fixed upon it by its owner; and let Government, guarding its troops, if necessary, from the fluctuation of prices, trust only to the unfettered division of labour and distribution of capital for proportioning the supply to the demand. The rest seems of less moment, manage the detail as circumstances may require; only be careful that this principle, to testify whose soundness and importance the political œconomist, the historian and the strategist, unite with our own common sense and every day experience, be never tampered with.

Mr. President and Gentlemen.—Because the advantages of impressment as it obtains in these provinces are quite imaginary, and its evils real great and for the most part necessarily inherent in it; because its abolition would be a measure of unopposed reform uncomplained of œconomy; because without weakening the power of Government or diminishing the comfort of one of our countrymen, millions of human beings would be benefitted, because the most inveterate procrastination could hardly look forward to a time when from profound peace and increasing Revenue to repair the Machinery of the the state would be less dangerous than now. I propose that you represent to the noble person by whose order you are now assembled the justice and good policy of abolishing it utterly and immediately.

JEDEDIAH CLEISBOTTOM.

Note.---The notification above alluded to, excellent as its spirit is, seems to obscure an easy subject by its misuse and confusion of terms. There exists no moral or physical *necessity* for our having recourse to compulsory labour: we do so because we think it expedient and to prevent our thinking it expedient we want merely to be convinced of the contrary—not the introduction of systems but sound arguments, i. e. logical deductions from admitted facts Again "the air compensation" for any article allows of 2 definitions, 1st, the price which the buyer is willing to give; 2d the price which the seller is willing to take: the former of these we at present adhere to, and our securing it to the seller supposing that possible, will evidently never secure to us the spontaneous tender we are justly so anxious for.

The latter is as evidently inconsistent with impressment, which supposes its object to be deprived of will or option, and the difficulty of securing it to the seller is just the same as that of enforcing the conditions of any other contract; for this the solemn introduction of a new system surely cannot now be necessary; that it will secure to us the spontaneous tender of all that is to be had in any situation there is the greatest probability; and more than this can hardly be exacted by impressment.

The real question for our consideration seems to me to be—is impressment, as it obtains in this country, so much worn than useless as to make the abtsract evil of a change desirable?

J. C.

THE CHANGE OF MINISTRY IN ENGLAND.

(*From the York* (*Penn.*) *Republican.*)

A late English journalist has exclaimed, "could it ever have been believed that the Duke of Wellington would have been hooted and hissed, as he passed through the streets of London?"

I answer yes, readily believed. Will the English forget the case of their Duke of Marlborough? We know that this general, who had retrieved the glory of the British arms, won so many battles taken so many towns, who had humbled the pride and checked the ambition of France, secured the liberty of Europe, (as their historians say,) and chained victory to his chariot wheels, fell, in a few weeks, into an object of hatred and derision; was ridiculed in public libels and reviled in private conversation; that instances were every where repeated of his fraud, avarice, and extortion; of his insolence, cruelty, and bloody-minded ambition that even his courage was called in question, and this consummate commander, represented as the lowest of mankind.

I have taken, in the above summary almost the very words of Smollet. He is not indeed the first of English historians, but is sufficient for these facts, which are otherwise known to be true. Who then need utter exclamations of surprize, and an Englishman especilly. that the Duke of Wellington was hooted at in the streets? He has not been reviled, and by no possibility can he ever be reviled, equal to the Duke of Marlborough; because never has the breath of suspicion tainted him, in ways that it often did Marlborough, however the judgment of posterity may nearly have wiped the taint off. All read history, but few care to remember its facts, or apply its precepts. The knowledge of the past, is the best way to suppress wonder at the present and warn us of the future. The Duke of Wellington really earned as much of of hooting as he got; though such rude missiles of the tongue seemed ill flung at one whom the grateful voice of Britain had often extolled to the skies. I am not going to forget his greatness, in his fall from power. There are portions of his renown too solid, as well as too brilliant, ever to suffer any other than a momentary eclipse. They will overshadow greatly the renown of Marlborough. But, when the more modern of these heroes of England, with the seals of first Minister of the Crown in his hands, could gravely rise in the House of Lords and tell his fellow peers not simply that he had no measure of reform to propose at which point he ought to have stopped, but that he had never heard or read of any measure that could, in any degree satisfy his mind that the state of representation in the House of Commons could be improved or rendered more satisfactory to the country than it is at present, he challenged so effectually the disapprobation of the enlightened, that no wonder he was assailed by the hisses of a London mob.—*The representation in the House of Commons not capable of improvement!* What a declaration in the face of the fact, passing by all others, that scarcely more than six thousand voters (about as many as we have here in York county) scattered throughout a multitude of small boroughs, chiefly owned by the peers who control every vote, sent to the house more than two hundred voters of its members! Cutting and slashing at Waterloo, was all in character; but such cutting and slashing, as first Lord of the Treasury, frightened the boldest. His Grace once called county meetings *a farce*; and here he would have all attempts at equality of representation in the House of Commons, another farce. Doctrines like these, so alarming, so indicative of a military mind, that preferred drilled forces on the benches of the house, to any array of new recruits whose votes might run riot, naturally led to his fall. Public opinion could stagger under it no longer. He had been the Idol of the Nation. Its love, enthusiasm, he had won, by his triumphant sword. The greatest man of ten centuries, as Lord Holland called Napoleon, had been prostrate at his feet. But now the Nation awoke from its trance. Talavera, Torres Vedras, Ciudad Rodrigo, Badajoz, Salamanca, Victoria, San Sebastian, Pampeluna, Waterloo itself, the trumpets and the drum, the shouts that rent the air the reiterated and solemn thanks of Parliament, the homage of assembled potentates, who lowered the proud banners of their legions as he passed along, in token of profound admiration of his achievements --all were forgotten in the deliberate verdict of public opinion pronounced against his statesmanship. It would not, after the avowal of such doctrines, allow him to remain at the head of affairs, however transcendant had been his deeds at the head of armies; however universal had been the chorus of Nations, and Emperors and Kings, from the Neva to the Mediterranean, to his valour and his generalship. The public reason, suspended, for a while by the overpowering glare of his illustrious services in the field, re-asserted its empire, and won back the conquest which the captivating but perilous illusions of his martial fame, had gained over it. It stands erect again, disenthralled and refreshed, after a decisive though temporary prostration.

But it is material in these reflections not to hide from view a fact, which is of the essence of them. It is material to state, that it was never by the people of England, that this great commander was placed at the head of the civil administration of the country. Nor, do I think that their voice would ever have placed him there, even under the claim of his countless victories. It is rather those who fight the civil battles of the country the Cannings the Foxes, the Chathams, the Broughams, who become the popular favourite in England, and whom the people seem most desirous to trust. It was a *King*, who clothed the Duke of Wellington with supreme ministerial power. It was George the Fourth, a king of mixed qualifications for the sceptre that he bore, but always magnificent, always fond of pomp. He made him lord high constable at the pageant of his coronation, adding the *marshal's baton* to his staff. There his warrior plumes, slowly rode by the banquet tables of the great gothic hall towards the platform where sat royalty, his steed richly caparisoned and champing upon the bit, whilst the beauty and chivalry of the realm, and the ambassadors of the crowned heads, stood gazing, showed a sight indeed to rivet the eye and fill the fancy of all. There was Anglesea too, known to fame; and Howard of Effingham; and the champion, on whose bright heavy armour, the sun-beams struck. But every heart pointed to England's true champion on that day. Not the rubies nor the sapphires of the throne could rival his plumes—*they* stirred the bosom; *they* called up high and valorous deeds, not as lending golden tints to the visions of romance in the midst of such a scene, but as told in faithful story. The same monarch who then received the fealty of this gorgeous group, afterwards invested his ever favourite Arthur, justly and proudly his favourite, whenever or wherever the baton or sword was to be borne, with the whole interest of the premiership. It is the voice of the *people* of England getting up to the throne, through barriers hitherto obstructing it, that has obliged him to retire from that post; a post for which we have his own authority at one time for saying, his former inclinations, pursuits, and habits had not fitted him. From civil posts of inferior degree, that he had held at earlier periods of his life, he had himself voluntarily retired, for his "martial cloak" and glory. He sougth adventurous India, and at Argaum and Gawilghat, laid the foundation of that name in arms, which he so built upon in Spain, the land of Moorish gallantry, and to which, on the plains of Belgium before the embattled host of Europe, he put the towering finish.

I have heard an intimation, to which I shall now pass. I have heard that the present King probably accepted the resignation of the Duke of Wellington the more promptly, because of a private reason—a reason growing out of the misunderstanding known to have existed between the two parties when the King as Duke of Clarence, filled the station of Lord High Admiral. I give no credit to this intimation—it is opposed by considerations fairly deducible from the general character of the King's reign, as far as yet disclosed to us from this distance, in which there seems to have been little of selfishness, and much of a desire to look to the welfare of his people at large. But I rest my disbelief still more upon a specific fact. It is true, indeed, that his father, George the III. refused to let the young Pitt resign, although he had also been left in a minority in the House of Commons; but the circumstance of the two cases are so obviously dissimilar, that I will stop to point them out. The younger Pitt was the friend, at that day, of popular rights and representation, and was really the favourite of the English people.

The fact which I am about to bring into distinct notice, will not be without its interest. It belongs to the history of the times. It is one that should be dragged from its sleep, and placed fresh before the world. It may supply a moral for rulers, in whatever part of the world they may be, and under whatever forms they may dispense the attributes of executive power.

Amongst the appointments in the new ministry, is that of Mr. Denman, to be Attorney General. This appointment struck me, the instant I saw it, as the most remarkable, of them all.—Mr. Denman is a lawyer, learned and powerful in his profession. In the midland circuit he was once the efficient competitor in business and reputation of our countryman, the late Lord Chancellor Lyndhurst, and that in itself is praise; a man whom elevation did not intoxicate, and who will not be lost in his fall. Denman, though generally calm and most gentlemanly in his feelings, is, when roused, of the Brougham school. I cannot call the latter *Lord* Brougham, yet; I have too long felt an enthusiasm for his various and extraordinary abilities as a speaker, as a writer, as a stateman, versed in every branch of home affairs, and at home in every branch of foreign affairs; as a lawyer, acquainted with the whole body of the law, and what is a far higher and more first rate attainment, with its *mind*; as a philanthropist, not in his chamber, but of the most unwearied and buoyant public spirit and exertion; as a practical man, as a philosopher, as a scholar; knowing every thing, and knowing it well, doing every thing, and doing it well; intuitive and laborious; in details a master; a master in general reasoning; as accurate as profound, and of the most persevaring, sleepless, efficient activity in every one of his characters; I have too constantly indulged in a boundless admiration of him under them all, to recognize him, as yet, under any other than his own simple name. I cannot on the first instant of the change, write him down *Baron* Brougham. Who is *he?* We have never heard of him. It seems like cheating renown of its rights, as Madam de Stael said, when Bonaparte first gave titles to those of his generals who had been winning victories, in numberless campaigns all over Europe, under their own name of birth and parentage. But let me come back from a disgression wholly involuntary; for who can mention this Hercules, without being led off to do him passing homage; and who, in an instance like this, does not see, the difference, as Burke has expressed it between the perishing honours of the body bestowed by man, and the splendours of an intellect derived from God.

Well, then, Denman, with Brougham, *Harry Brougham*, and others, acted as counsel for Queen Caroline, wife of George the IV. on the memorable occasion of the bill of pains and penalties against her, under the administration of Lord Liverpool. Like Brougham, he was energetic and fearless in the defence of his client. They both believed her, so their conduct and declarations evinced, to be an innocent and persecuted woman, as she had ever been a most unfortunate Queen. The Duke of Clarence, as a member of the House of Lords, was, of course, one of her constitutional judges. The bill of pains and penalties I need hardly say, was equivalent to an impeachment before the Lords; like the one now going forward against Judge Peck, in our Senate of the United States at Washington. The political results which the investigation under the bill involved, assumed a far deeper interest from the personal feeling of which the King was the victim; a feeling of keenness and intensity inseparable from the nature of the offences of which the Queen stood arraigned. All who thought well of her case, were supposed to find little favour in the King's slight; whilst his friends, especially those near to his person, became by a ready sympathy with the throne, her foes. That his royal brothers should feel with him, was not unnatural, however their situations should have imposed upon them silence, if it could not impartiality. The Duke of Clarence it was strongly rummoured, had sought occasions to express himself with warmth against her, pending the investigation. Whole circles in London rang with these rumours. Denman heard them. At first he is incredulous, then incensed. The glow increases in him, as the presumptions accumulate of this outrage upon justice, from a source so high. Brougham had already spoken; Brougham, who would have thundered out his holy vengeance, not spat out his scurrility, like John Randolph, but have thundered, as from the mountain, crushing every where those whom his magnificent wrath would have struck. But Denman was no great way behind. If not the mighty genius of the storm, he was an attendant, and had caught the inspiration of its blasts. In summing up, he arrives at the point for noticing the rumours. A palpitating silence ensues. Every ear listens—every eye is fixed. Some members move gently out of their seats, taking up a position to hear the better. At length, the advocate, his tone changing, and a dignified, intrepid anger burning on his countenanee, thus bursts forth:—

My Lords, we have heard—we daily hear —with alarm, that there are persons, and those not of the lowest condition, not confined to individuals connected with the public press, not even excluded from your august assembly, who are industriously circulating atrocious calumnies against her Majesty. Can this be? Is it credible—is it possible? If a juryman be found to possess any knowledge of the subject under trial, the law tells us that we may call him as a witness to the bar. This is our law in England, and our shield. Come forward, we may say, and let us confirm you—let us see if no explanation can be given of what you allege; no refutation effectually applied. But to any man, who could even be suspected of so base a practice as imparting calumnies to judges, distilling leperous venom into their ears, the Queen might well exclaim, "Stand forth, thou Slanderer—let me see thy face; if though would'st equal the respectability even of an Italian witness, stand forth before these noble judges and speak out what you know. As thou art, thou art worse than an assassin, for whilst I am meeting my accusers, face to face, thou art stabbing me unseen, and converting thy poisoned stiletto into the semblance of the sword of justice." I would fain say, my Lords, that it is utterly impossible that this can be true, but I cannot say it, because the fact meets me every where. I read it even in the public papers, and had I not known of its existence, for the dignity of human nature, I would have held it to be impossible that any one with the heart of a man, or with the honour of a peer, should so debase his heart and degrade his honour, I would impeach him as a judge; and if it were possible for the blood royal of England to stoop to such a course. I would fearlessly assert, that it is far more just that it should deprive him of his right of succession to the throne, than that all the allegations against the Queen, taking them to be true to the last letter, should warrant your Lordships in passing this bill of degradation and divorce against her.

The House was aghast! A shock went through and through it. The public echoed back the speaker's words. Every body knew that the Duke of Clarence was the man. Nobody denied—nobody doubted it. The attack cannot be said to have been masked under a hypothetical case, like Junius's upon the King or Sir William Wyndhams, in Walpole's time, upon George II. It was palpable—it was beaming, There was a *flush* all over the House: impulse of conviction universal, thrilling. The newspapers teemed next day with the orator's terrible denunciation. Stand forth thou Slanderer, was every where read—Stand forth thou Slanderer, was every where heard. It was cried about in hand-bills: in private circles it passed in whispers, or in titters; the boys shouted it in the streets; and in the windows of caricature shops, to which thousands flocked, you might read in capitals, under a figure, the likeness of which could not be missed, even if an Admiral's half dress and the insignia of a prince royal had been wanting, Stand forth thou Slanderer.

How remarkable this whole incident—I will say how glorious! A victory won is nothing to it—not Wellington's at Waterloo. Rome, republican or imperial, in her sternness, or in her grandeur, has nothing to overmatch it. It is full of richness in its particulars, in its aggregate, in its individuality, in its nationalness; in the feelings that it may draw forth; in the high lessons that it may instil. There is no mistake in my narrative. I have not done, as Livy or Botta, made a speech for Mr. Denman—I have given his own words, from a report of the trial. It does so fall out too, that one of the caricature prints lies now before me, *stand forth thou slanderer* underneath. Surely, the incident *is* fit for history; for, what is the spectacle that we behold? The denounced has become a Sovereign; the denunciator, one of his high officers; appointed by his sovereign will, commissioned by his sovereign hand. What a field for full commentary! But no, I will not so comment. I will be silent. I will reflect. So let the reader, I live in a land of freemen; in a land of men of intelligence and of public spirit; men whose bosoms burn in devotion to lofty virtues, in whatever, land they may shine men who will be ready to hail with but the louder acclamation, instances of exalted sentiment and conduct under other forms of government, since these must ever be more especially the vital elements of their own proud republic, without which though it may live for a while, it must soon perish. I will not comment upon the merit of this advocate, who feeling for the wrongs of his illustrious yet wretched client, could so throw the bolts of his eloquence at a prince of the blood, even then at the footstool of the throne, waiting for all its powers to devolve upon him. Nor will I speak of the spirit of bold liberty that must exist in a country where a plain individual has such a voice to exert in the midst of its whole aristocracy; face to face, to its very throne---the former, eagerly, though calmly, listening, without interruption or reproach---the latter not daring to touch or menace a hair of his head. Less still would I desire to dwell upon whatever of error or infirmity it may have been, that could have surprised this prince of the blood into the course reprehended. The last I choose to forget, as the world will forget it, in the kingly virtue which shows that *he* could forget all that the advocate said. What might have been a blot upon the prince, the king effaces. He does more. He converts it into a positive, an effulgent addition to his glory. Better for him, that the whole scene occurred. Greatness mounts on eagle's wings, above resentment. Those who ascend the heights of power, should carry up with them this virtue. It was so with our immortal Washington. It was so, in part, that he gained, not the transient

Digitized with financial assistance from the Government of Maharashtra on 08 April, 2017

adulation of the day, which is not always just, if honest and is often the more fulsome, as the more venal, but a name that will last as long as time, and is as spotless as it is resplendant; a name that stands out in history, and stands alone; a name of which future Plutarchs will say, here is an example of all that is great, and all that is good; a standard of full orbed excellence, that must not be lowered by rash or unholy parallels. It is the true divine right to govern, that begins by being able to govern ourselves; to have the mastery over all passions that might mislead; to extinguish all selfishness; to beware of favoritism; to discard all private griefs; to abhor all personal malice. This power of control the chief virtue in rulers, because the root of all other virtues necessary to their governing well, and which makes them models for mankind, has been signally illustrated in the present monarch of Britain; as it even was in our beloved Washington. It is an augury so far, that his reign is to be swayed by expanded and liberal maxims, the more cheering from the lowering aspect of the political horizon around him, portending explosions that may shake the earth to its centre. True wisdom lies, after all, in the heart. The beautiful prayer that we raise before the altar of the Deity is, "incline our *hearts* to wisdom." The elevation of Mr. Denman to the ministry shows that the King of England's heart is sound. It shows, noble lesson! that he has no memory of dislikes as the Duke of Clarence, none of affronts to the Duke of Clarence, to refresh with eager malignity, or to hug in grovelling revenge; that with the lustre of the diadem sparkling, whilst its weight presses, upon his brows, he has consigned them all to an immediate, a magnanimous oblivion; that he looks exclusively to his country and its immense interests, which are drawing into them the interests of Europe also, of this crisis of dismay; that whomsoever he may discharge from his counsels, he will do it upon this simple basis, without any unworthy low-minded intrusions of self, in the momentous business of his empire; that he has no hungry passions of any kind to glut, in the sanctury of his country. This, I say, shoots gleams of hope into the despair that predominates in my mind, greatly predominates for the peace of Europe, though Earl Grey be the English Premier. Such are England's means of aggression now, even beyond any she has ever wielded before, notwithstanding her great debt, that other nations, the Colossus of the North amongst them, will watch her decisions with anxious alternations of hope and dread. It is a remark of Sir William Temple's, that he could never find a better way of judging of the resolutions of a state, than by the personal temper and passions of the sovereign, for the time being, at its head. May the resolutions of England then bear auspiciously upon the cause of human rights and liberty. Let us hope it, whatever our fears. Her present monarch has done an act which attests, if nothing else did, that his passions are under government; and as to the magnanimity of his temper, that it is worthy to be classed with that of a Titus, a Vespasian, or a Washington.

January 12, 1831. TEMPLE.

LITERATURE.

Recollections of Seven Years Residence at the Mauritius. By a Lady.

This little work is put forth with diffidence by a lady. She is a widow, it would seem; and she addresses her recollections to her two female children. Their father died in the Isle of France, at the termination of their seven years experience of the lovely island of which she now timidly ventures a description. It is impossible not to see that the success of this publication may prove a source of substantial comfort to one who has, by the death of her husband, probably suffered severely in more senses than one; and it is a scource of satisfaction to us to be able to recommend it as one of the most elegant pieces of composition that ever flowed from the female pen—a praise of the value of which we are well aware. In the preface, the authoress observes of her work, that "It may be rejected as unworthy of notice; the same fate often attends other kinds of goods offered for sale, in the market or bazaar, without disgrace attaching to those who offer them." She may be perfectly easy on this head: if, among the innumerable claimants for public attention, her work does not receive all the honour it deserves, it can never be discreditable to a lady to have published a book so conspicuous for the beauty of its style, the amiable feelings with which it is written, the curiosity of the subject, and the good taste with which its different points are selected and brought out.

The Isle of France is what Mr. Moore would call a gem of the ocean. It is all beauty and brilliancy; its sky is without a cloud; its mountains assume the most grotesque forms, and stand right out from the azure heavens; its waters are perfect crystal, and leap from rock to rock; the ocean which surrounds it is transparent, and its depths are clothed with forests of coral of the most beautiful and diversified forms. Its birds are of the loveliest dies; its fruits of the most luscious flavour, and in the greatest abundance; while the soil is as well adapted to the production of the cabbage as the sugar-cane or the clove-tree. Such an island deserves to be placed in one's recollection. This lady's book does not pretend to be a full account of the Mauritius; indeed it would be vain to look for such a work in English. St. Pierre, who has made the island classical by placing there the scene of his *Paul and Virginia*, has also given the best account of its productions and characteristics in his *Voyage à l'Ile de France*. The recollections very pleasingly supply the place of any general description of external appearances; but the natural treasures in which it abounds still remain to be thoroughly explored by persons of scientific attainments, who are able to devote time and labour to the pursuit.

With regard to the praise we have bestowed on this lady-composition, we shall have but little difficulty in proving its sincerity, and at the same time gratify our readers with some passages, which may afford an agreeable relief to ears jarred by the harsh tones of political disputation.

A dead calm at sea is described in the following passage, in language so appropriate and so musical, that the mere repetition of its sounds will be found to act as a sedative on the spirit of the most stormy debater. Let some of our female readers try the effect of it, when voiced by a gentle organ, upon some inflammatory brother or husband justly indignant at the refusal of the Ballot, or the moderation of a Ministerial Reform:—

"In crossing the equator, we were becalmed for a week; no one who has not witnessed it can form an adequate notion of the perfect stillness of such a scene: nothing of repose and silence on land can be compared to the utter quietude, the death-like sleep, which seems to enchain the winds of heaven and the waves of the sea; not the smallest ripple disturbs the glassy surface of the waters; not the faintest breath moves the heavy sails; not a cloud obscures the bright blazing blue of the sky; the ship remains motionless, as if fixed by some enchanter's power on a sea of glass; one of the best descriptions of such a calm I ever met with is in the *Lusiad*.

'Now smooth as glass the shining waters lie,
No cloud slow moving sails the azure sky:
Slack from their height, the sails, unmoved, decline
The airy streamers from the downward line;
No gentle quiver owns the gentle gale;
Nor slightest swell distends the ready sail;
Fixed as in ice, the slumbering prows remain.
And silence wide extends her solemn reign.'

"These lines occurred to my recollection, when we were in the situation they describe, becalmed beneath the fervid rays of a torrid sun, darting its fiercest splendours down on the 'waveless mirror' of the deep; the eyes were dazzled with innumerable sparkles of light, when they rested on the dreary expanse of water; the heat was intolerable; with nothing to mitigate its potent influence—how vainly, yet how ardently did we sigh for the luxury of the green shade; the soft, balmy airs of an English summer morning!—Night after night we went to rest, hoping that the next day would bring a change of weather; and morning after morning we arose to behold the same spell-bound ocean, to gaze on the same cloudless heavens, and to breathe the same oppressive atmosphere; our spirits began to yield to the depressing influence of such weather; and even the most vivacious amongst us were becoming affected by it: the chess-board, that unfailing resource on board ship, presented no attractions, sufficiently powerful, to counteract the feeling of *ennui* which, in its most formidable shape, was gradually stealing over all.

"The captain paced the *too* steady deck with impatience and irritability, looking wistfully, as did also the sailors, to the then useless sails, which hung motionless as if nailed to the masts; and then up to the brilliant sky, all glare and radiance, where not a single cloud gave any hope of a breeze; I believe seamen prefer being in the wildest storm that ever raged over the ocean, to this dull, dead calm; they feel, then, that they have nothing to do—their 'occupation's gone' for the time; not a sail is to be hoisted, not a rope to be altered in its position, nothing to be noted in the log book; the sailor leans listlessly over the deck, and it seems as if 'the general pulse of nature stood still.'"

At length, one evening, a light cloud was observed to rise, and the weather changed, and with it the scene, which became one of animation:—

"My fears on this occasion proved groundless. During the night, the stir and bustle on the deck, and the inspiring sounds of orders given, and as rapidly obeyed, and the cheerful voices of the men, as they sang together in pulling the ropes, announced that the wished-for change had taken place: a gentle and scarcely perceptible motion of the vessel, indicated that the long slumber of the waters was breaking; the pleasant sound of rippling waves was heard at the stern; then, with the rising breeze, the proud billows dashed against the ship, and ocean sent forth the deep solemn music of its voice; there is nothing, perhaps, more agreeable at sea than to listen to this musical rushing of the waves, in the silence of night, when no other sound is heard besides, but the measured tread of the officer on watch, walking the deck; the stillness only occasionally interrupted by the bustle of changing the sails as the wind Shifts from one point to another.

* * * * * *

"The following morning, as we all met on the no longer steady deck, animation and pleasure beamed on every face, and hope sprang up again in every bosom; satisfaction sat on the usually cold stern countenance of the captain; the sails were filled to the utmost; the rolling waves threw up their showers of foam; large fish darted from under them; and the old ship seemed to triumph in the facility with which she mounted over the billows."

One of the pleasures of the Isle of France is rambling in an evening on the mountains which overhang the capital. The scene of these evening rambles is thus painted by our authoress:—

"The mountains, which immediately overlook the town, are the Pouce and the Morne Découverte, on the latter of which a signal post is erected, and from which vessels are descried at a great distance; I was fond of climbing its rocky side, and when I had attained a considerable height, used to stop, and look down on the town spread out like a picture below, with its commodious harbour, and the wide ocean beyond; immediately before me, looking over the town, an extent of cultivated land appeared, which my eyes rested on with peculiar pleasure, as it resembled English scenery: many an agreeable evening did we spend, my dear children, seated on the mountain side, enjoying the cool breeze and admiring the prospect before us. Your father and I frequently ascended to an elevation beyond your power of accompanying us, and we were well rewarded for our trouble and fatigue by the increased coolness of the air, and the greater extent of landscape which met our view; from that height the town looked extremely pretty: a ship sailing majestically out of the harbour, its sails gilded with the rays of the setting sun, often added to the beauty of the scene; from that height we could also see the military parade in the Barrack Square, and when the wind was in the direction to convey the sounds of the martial note of the bugle, mellowed by distance, reached us distinctly, We had frequently, too, the pleasure of listening to the music of the regimental band playing in the square, and the effect was delightful. We were not the only persons who took these mountain rambles; the exquisite beauty of the evenings tempted others to the same enjoyment: groups of merry children, such as you then were, with their sable attendants, were seen climbing up the steep ascents, or seated on some of the patches of verdure which are interspersed amidst the brown bare decivilities; others again, too young to venture so high, were running about on the plain below, and the sound of their joyous laugh and cheerful voices often reached us on our elevated resting place: sometimes an elder party was seen clambering towards the highest point, and here and there a solitary individual was stretched out at his full length on some grassy spot, apparently in that half musing half sleepy state of repose in which the mind and body equally participate; flocks of goats skipping about from rock, to rock, and chasing each other down the most abrupt descents, gave animation to the otherwise tranquil character of the scene; often did we linger on the mountain side when other parties had taken their departure, and the shade of night was beginning to steal over the prospect, and the sound of our voices alone interrupted the deep silence around us, except when occasionally a stray kid, which had been left behind by the flock, was heard bleating in shrill notes as it bounded along."

The few lines which follow, relating to a change of residence from the town to the country, strongly remind the reader of the tone of St. Pierre, without his affectation:—

"Even you, young as you were, my Ellen, expressed your regret at leaving the spot to which you had become accustomed, and where you had so highly enjoyed yourself, except during the interval of a severe illness, with which you were attacked some months after the birth of your sister. You did not relish the thought of quitting the large garden in which you rambled morning and evening, making garlands of the roses which bloomed there in such profusion as to render the scene one 'boundless blush.' How you endeavoured to make the wreaths also as long as possible, and what care you took not to break the rosy bands! I could fancy I see you now, twining them around the pillars of the veranda, or interlacing them with the foliage of the grape arbour; remarking to me at the time, how prettily they looked amongst the clusters of grapes; when I saw you thus employed, I was reminded of Milton's description of Eve amongst the flowers—'herself a fairer flower.' Little Mary, also, shared in the flowery occupation, although in a different way; for she was seated on the grass, busied in tearing the roses to pieces, and scattering the glowing petals over her little person."

The family, in consequence of the ill health of the father, who ultimately died, were again obliged to retire into the country; and the description of their retreat shall afford a final and very favourable specimen of the elegance of this lady's pen, and the beauty of the island:—

"The estate on which we rented a small house for the summer, was one of the finest and largest in the island; it was also one of the most anciently settled estates, and had, in former years, been most prosperous and flourishing; at the time we were there, it belonged to a coloured man, who, with his mother, resided in a house opposite to the one we occupied. This man had no taste to appreciate the beauties of the Eden around him; only anxious about the cultivation of the cane, he paid no attention to the gardens and grounds where the marks of former care and attention were rapidly vanishing; yet there was still enough of beauty remaining on the whole, to render it a delightful residence; the garden walks were strewed with leaves, but the flower beds, laid out in endless variety of forms, were adorned with radiant and fragran flowers; there were also several fine avenues of majestic trees, whose branches formed an arch overhead, so thick, in some parts, as to exclude the sun completely, so that at noon-day, even in that climate, one might enjoy beneath their shade a coolness and gloom, such as are met with in the greenwood haunts of England, but seldom found in torrid lands. In other walks, the branches were less closely interwoven, so that they admitted partial gleams of the sun, forming that graceful chequering of light and shade which is so pleasing to the eye: beneath the trees were several stone seats, and at the end of the principal avenue was a summer house—then a neglected spot, but once, no doubt, the favourite retreat of some French lady. This estate had once been the property of a gentleman of immense fortune, who took pleasuse in ornamenting and laying out the grounds. I have listened with interest to descriptions of the fêtes champêtres formerly held there: when the creoles of the Mauritius were a richer and a gayer race of people than they now are, parties of pleasure often assembled, and spent weeks together at this hospitable mansion. A large piece of water, almost worthy the appelation of a lake, was then the scene of many a pleasant excusion; the master of the estate kept barges on its smooth surface, and they were often filled with ladies, whilst a band of music, stationed on the shore, added the enlivening effect of their various instruments to the charms of the evening landscape. Those bowers and groves, and winding walks, now so much neglected and deserted, once echoed with mirth and festivity, and many a graceful form once reclined on those seats now always vacant; we met with some of these stone seats of a circular form, capable of affording room for twenty persons, disposed in the most retired parts of the grounds, with a grass plat in front, sometimes a stone table in the centre, on which, doubtless, refreshments used to be placed; – so numberless and intricate were the walks, that we were continually losing our way amongst them; and each day we found something new to admire: many beautiful birds sported in the trees about this place; some a bright yellow, others a rich scarlet, and one, which I particularly admired, had its back of a clear brown colour, and its bosom, wings, and tail, were of a most brilliant blue; the country abounds, too, in beautiful insects, and the lizards are the most splended in colour I have ever seen; some green, with crimson spots, others of a light blue, striped with brown, and others, again, of a uniform emerald tint.

"No venomous or hurtful animals are to be met with throughout the island; even the thick jungle which in India would be the hiding place of the savage tiger, is at the Mauritius only the retreat of the timid hare, and its silence, instead of being interrupted by the hissing of serpents, is disturbed only by the soft cooings of the dove.

* * * *

"The district of Pamplemonsses pleased me particularly, and we used to take most agreeable walks morning and evening; in our rambles, we used often to see natural bowers of jessamine, into which you, Ellen, and Mary would run with delight, and gather your little baskets full of the sweet flowers;—the blue and purple liana hung in festoons from tree to tree, and that most fragrant of flowers, the Arabian jessamine, grew wild about our path; a variety of beautiful little flowers of the convolvulus kind, spread over the grass, so that we could not tread without crushing some, a circumstance greatly lamented by both of you, whose exclamations of regret were incessant as we unavoidably trampled on the delicate embroidery nature had spread beneath our feet."

The authoress has been a great voyager; she is a native of the West Indies, and has now four times crossed the Atlantic; her twochildren were born in different hemispheres; and her husband lies burried in an island embosomed in the Eastern seas.

MISCELLANEA.

Chief Fallacy of the Opponents of Free Trade.— A most efficient fallacy consists in a use of the word "independent." To be independent of foreing supply in consequence of our own, is unquestionably a benefit. If we could give to our soil and climate the productive powers of the richest plains in Mexico, and instead of eight or ten, obtain a return of ninety or one hundred, for every grain of wheat committed to the earth, we should be independent of foreign grain; but the benefit would consist not in the independence, but in the abundance. The independence of the mercantile system is accompanied not by abundance, but by privation; it arises not from the extent, but from the mismanagement of our resources, not from our riches, but from our self inflicted poverty. It is the independence of Swift, who deprived himself, during the last years of his sanity, of the power of reading, by an obstinate resolution never to use glasses. It is the independence of my supposed trader in backing his own shoes. It is to be independence of the footpath by walking in the kennel. —*Mr. Senior's Lecture on the Mercantile Theory of Wealth, delivered from the Professr's Chair at Oxford.*

ARISTOCRATICAL SYMPATHIES.—What an outcry of commiseration is there if a young man of family and fortune ruins himself by a criminal course of life, and thereby comes to an ignominous end! And with what cold indifference, at the same time, do we witness the same corruption, and the same fate, taking hold of hundreds and thousands of our poorer and less "well-connected" fellow creatures, who, in the sight of God, are quite as valuable as the other. ---*Biber's Lectures on Christian Education*, p. 230.

BOMBAY: Printed and Published for the PROPRIETORS by SHREECRUSTNA JAGONNATHJEE, at the Courier Press, No 7, Bell-lane, where all communication addressed to the EDITOR, will bereceived.